



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2005 REGULAR SESSION

SENATE BILL NO. 7

FRIDAY, FEBRUARY 18, 2005

The following bill was reported to the House from the Senate and ordered to be printed.

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

AN ACT relating to the closure of schools for elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 158.070 is amended to read as follows:

- 2 (1) The minimum school term shall be one hundred eighty-five (185) days, including
3 no less than the equivalent of one hundred seventy-five (175) six (6) hour
4 instructional days. A board of education may extend its term beyond the minimum
5 term.
- 6 (2) The local board of education, upon recommendation of the local school district
7 superintendent, shall adopt a school calendar for the upcoming school year that
8 establishes the opening and closing dates of the school term, beginning and ending
9 dates of each school month, instructional days, and days on which schools shall be
10 dismissed. The local board may schedule days for breaks in the school calendar that
11 shall not be counted as a part of the minimum school term.
- 12 (3) Any local board of education operating its schools on a year-round school program
13 basis shall conform with administrative regulations promulgated and adopted by the
14 Kentucky Board of Education upon the recommendation of the commissioner of
15 education, which regulations must be in conformity with the following criteria:
- 16 (a) The year-round school program shall be operated on a fiscal year beginning
17 July 1 and ending June 30;
- 18 (b) A pupil's required attendance in school shall be for at least the minimum
19 instructional term; and
- 20 (c) No teacher shall be required to teach more than the minimum term during the
21 school year.
- 22 (4) (a) Each local board of education shall use four (4) days of the minimum school
23 term for professional development and collegial planning activities for the
24 professional staff without the presence of pupils pursuant to the requirements
25 of KRS 156.095. At the discretion of the superintendent, one (1) day of

professional development may be used for district-wide activities and for training that is mandated by federal or state law. The use of three (3) days shall be planned by each school council, except that the district is encouraged to provide technical assistance and leadership to school councils to maximize existing resources and to encourage shared planning.

(b) A local board may approve a school's flexible professional development plan that permits teachers or other certified personnel within a school to participate in professional development activities outside the days scheduled in the school calendar or the regularly scheduled hours in the school work day and receive credit towards the four (4) day professional development requirement within the minimum one hundred eighty-five (185) days that a teacher shall be employed.

1. A flexible schedule option shall be reflected in the school's professional development component within the school improvement plan or consolidated plan and approved by the local board. Credit for approved professional development activities may be accumulated in periods of time other than full day segments.

2. No teacher or administrator shall be permitted to count participation in a professional development activity under the flexible schedule option unless the activity is related to the teacher's classroom assignment and content area, or the administrator's job requirements, or is required by the school improvement or consolidated plan, or is tied to the teacher's or the administrator's individual growth plan. The supervisor shall give prior approval and shall monitor compliance with the requirements of this paragraph. In the case of teachers, a professional development committee or the school council by council policy may be responsible for reviewing requests for approval.

- 1 (c) The local board of each school district may use up to a maximum of four (4)
2 days of the minimum school term for holidays; provided, however, any
3 holiday which occurs on Saturday may be observed on the preceding Friday.
- 4 (d) Each local board may use two (2) days for planning activities without the
5 presence of pupils.
- 6 (e) Each local board may use the number of days deemed necessary for:
- 7 1. National or state disaster or mourning when proclaimed by the President
8 of the United States or the Governor of the Commonwealth of
9 Kentucky;
- 10 2. Local disaster which would endanger the health or safety of children;
11 and
- 12 3. Mourning when so designated by the local board of education and
13 approved by the Kentucky Board of Education upon recommendation of
14 the commissioner of education.
- 15 (5) The Kentucky Board of Education, upon recommendation of the commissioner of
16 education, shall adopt administrative regulations governing the use of school days,
17 including days missed from the regular school day as a result of local disaster, as
18 defined in subsection (4)(e)2. of this section, and regulations setting forth the
19 guidelines and procedures to be observed for the approval of the days utilized for
20 the opening and closing of school and the days utilized for professional
21 development and planning activities for the professional staff.
- 22 (6) (a) In setting the school calendar, school may be closed for two (2) consecutive
23 days for the purpose of permitting professional school employees to attend
24 statewide professional meetings. These two (2) days for statewide professional
25 meetings may be scheduled to begin with the first Thursday after Easter, or
26 upon request of the statewide professional education association having the
27 largest paid membership, the commissioner of education may designate

1 alternate dates. If schools are scheduled to operate during days designated for
 2 the statewide professional meeting, the school district shall permit teachers
 3 who are delegates to attend as compensated professional leave time and shall
 4 employ substitute teachers in their absence. The commissioner of education
 5 shall designate one (1) additional day during the school year when schools
 6 shall be closed to permit professional school employees to participate in
 7 regional or district professional meetings. These three (3) days so designated
 8 for attendance at professional meetings shall not be counted as a part of the
 9 minimum school term. School shall be closed on the day of a regular
 10 election~~[,]~~ and~~[may be closed]~~ on the day of a primary election, and those
 11 days may be used for professional development activities, professional
 12 meetings, or parent-teacher conferences.

13 (b) All schools shall be closed on the third Monday of January in observance of
 14 the birthday of Martin Luther King, Jr. Districts may:

- 15 1. Designate the day as one (1) of the four (4) holidays permitted under
 16 subsection (4)(c) of this section; or
- 17 2. Not include the day in the minimum school term specified in subsection
 18 (1) of this section.

19 (7) Students applying for excused absence for attendance at the Kentucky State Fair
 20 shall be granted one (1) day of excused absence.

21 (8) Schools shall provide continuing education for those students who are determined
 22 to need additional time to achieve the outcomes defined in KRS 158.6451, and
 23 schools shall not be limited to the minimum school term in providing this
 24 education. Continuing education time may include extended days, extended weeks,
 25 or extended years. A local board of education may adopt a policy requiring its
 26 students to participate in continuing education. The local policy shall set out the
 27 conditions under which attendance will be required and any exceptions which are

1 provided. The Kentucky Board of Education shall promulgate administrative
2 regulations establishing criteria for the allotment of grants to local school districts
3 and shall include criteria by which the commissioner of education may approve a
4 district's request for a waiver to use an alternative service delivery option, including
5 providing services during the school day on a limited basis. These grants shall be
6 allotted to school districts to provide instructional programs for pupils who are
7 identified as needing additional time to achieve the outcomes defined in KRS
8 158.6451. A school district that has a school operating a model early reading
9 program under KRS 158.792 may use a portion of its grant money as part of the
10 matching funds to provide individualized or small group reading instruction to
11 qualified students outside of the regular classroom during the school day.

12 (9) Notwithstanding any other statute, each school term shall include no less than the
13 equivalent of the minimum number of instructional days required by this section.

14 (10) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection
15 (1) of this section, a school district shall arrange bus schedules so that all buses
16 arrive in sufficient time to provide breakfast prior to the instructional day. In the
17 event of an unforeseen bus delay, the administrator of a school that participates in
18 the Federal School Breakfast Program may authorize up to fifteen (15) minutes of
19 the six (6) hour instructional day if necessary to provide the opportunity for children
20 to eat breakfast not to exceed eight (8) times during the school year within a school
21 building.

22 (11) Notwithstanding any other statute to the contrary, the following provisions shall
23 apply to a school district that misses school days due to emergencies, including
24 weather-related emergencies:

25 (a) A certified school employee shall be considered to have fulfilled the minimum
26 one hundred eighty-five (185) day contract with a school district under KRS
27 157.350 and shall be given credit for the purpose of calculating service credit

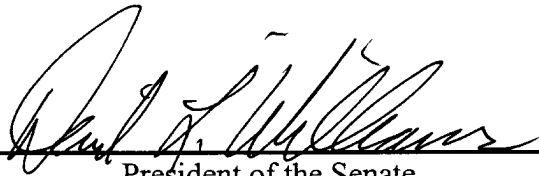
1 for retirement under KRS 161.500 for certified school personnel if:

- 2 1. State and local requirements under this section are met regarding the
3 equivalent of the number and length of instructional days, professional
4 development days, holidays, and days for planning activities without the
5 presence of pupils; and
- 6 2. The provisions of the district's school calendar to make up school days
7 missed due to any emergency, as approved by the Kentucky Department
8 of Education, including but not limited to a provision for additional
9 instructional time per day, are met.


10 (b) Additional time worked by a classified school employee shall be considered as
11 equivalent time to be applied toward the employee's contract and calculation
12 of service credit for classified employees under KRS 78.615 if:

- 13 1. The employee works for a school district with a school calendar
14 approved by the Kentucky Department of Education that contains a
15 provision that additional instructional time per day shall be used to make
16 up full days missed due to an emergency;
- 17 2. The employee's contract requires a minimum six (6) hour work day; and
- 18 3. The employee's job responsibilities and work day are extended when the
19 instructional time is extended for the purposes of making up time.

20 (c) Classified employees who are regularly scheduled to work less than six (6)
21 hours per day and who do not have additional work responsibilities as a result
22 of lengthened instructional days shall be excluded from the provisions of this
23 subsection. These employees may be assigned additional work responsibilities
24 to make up service credit under KRS 78.615 that would be lost due to
25 lengthened instructional days.

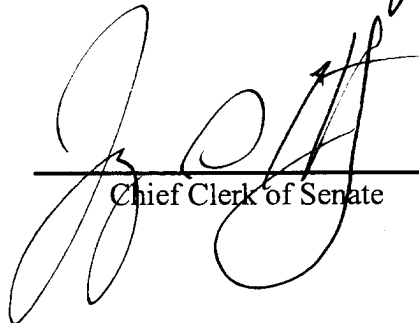


President of the Senate



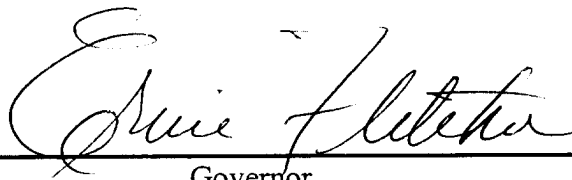
Speaker House of Representatives

Attest:



Chief Clerk of Senate

Approved



Governor

Date